

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OSCAR FRONTERA,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 06-64J
)	
HELEN HARRIS, et al.,)	
Defendants.)	

ORDER

AND NOW, this 19th day of October, 2006, after the plaintiff, Oscar Frontera, filed an action in the above-captioned case, and after a motion to dismiss or for summary judgment was submitted by the defendants, and after a motion to appoint counsel was submitted by the plaintiff, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 23), which is adopted as the opinion of this Court,

IT IS ORDERED that defendants' motion to dismiss or for summary judgment (Docket No. 19) is treated as a motion for summary judgment and is granted

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel (Docket No. 22) is dismissed as moot.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty

(30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

A handwritten signature in black ink, reading "Kim R. Gibson". The signature is written in a cursive style with a large, stylized "K" and "G".

Kim R. Gibson
United States District Judge

cc: Oscar Frontera
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